

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ROBERT SILCOX, an individual,

Plaintiff,

v.

AUTONATION, INC., a Florida corporation,
and AUTONATION HOLDING CORP., a
Washington corporation,¹

Defendants.

Case No.

DEFENDANTS' NOTICE OF
REMOVAL

FEDERAL QUESTION

28 U.S.C. §§ 1331, 1441, 1446(b)

TO: CLERK OF THE COURT

AND TO: PLAINTIFF ROBERT SILCOX

AND TO: WRIGHT A. NOEL and MARINA M. VISAN, CARSON | NOEL, PLLC,
PLAINTIFF'S ATTORNEYS

PLEASE TAKE NOTICE that Defendants AutoNation, Inc., a Florida corporation, and
AutoNation Holding Corp., a Delaware corporation, (collectively "Defendants" or
"AutoNation"), by and through their undersigned attorneys, hereby effect the removal of the
state action described herein, from the Superior Court of the State of Washington in and for the
County of King, to the United States District Court for the Western District of Washington at

¹ Plaintiff's Complaint for Damages incorrectly states in the caption that Defendant AutoNation Holding Corp., is a
Washington corporation. AutoNation Holding Corp., is incorporated under the laws of the State of Delaware.

1 Seattle. This removal is based upon federal question jurisdiction, in accord with 28 U.S.C. §§
2 1331 and 1441, and is timely, in accord with 28 U.S.C. § 1446. In support of its Notice of
3 Removal, Defendants provide the following information:

4 **JURISDICTION**

5 This Court has jurisdiction over this civil action pursuant to 28 U.S.C. § 1331, and this
6 action is one that may be removed to this Court pursuant to the provisions of 28 U.S.C.
7 § 1441(a). Specifically, Plaintiff's Complaint purports to allege a violation of the Family and
8 Medical Leave Act, 29 U.S.C. §§ 2601-2654 ("FMLA"). (Complaint "Compl." ¶ 28). Because
9 Plaintiff's Complaint raises a federal question, this Court has original jurisdiction over this action
10 pursuant to 28 U.S.C. § 1331.

11 Defendants are the sole Defendants, and consent to removal. As set forth below, this case
12 meets all of the requirements for removal and is timely and properly removed by the filing of this
13 Notice.

14 **SUPPLEMENTAL JURISDICTION**

15 This Court has supplemental jurisdiction over any and all remaining state law claims in
16 accordance with 28 U.S.C. § 1367, and jurisdiction over any separate and independent claims as
17 provided in 28 U.S.C. § 1441(c).

18 **VENUE**

19 Venue is proper in the Western District of Washington pursuant to 28 U.S.C. § 128(b)
20 and 28 U.S.C. § 1446(d) because the state court action is pending within the jurisdictional
21 confines of this District.

22 **INTRADISTRICT ASSIGNMENT**

23 Venue is proper in the Seattle Division, pursuant to LCR 3(d), because Plaintiff resides in
24 King County, (Compl. ¶ 1), and Plaintiff's last place of employment with Defendant, from which
25 Plaintiff alleges he was wrongfully terminated, was located in King County, (Compl. ¶ 5).

1 **PLEADINGS**

2 On or about July 24, 2017, Plaintiff Robert Silcox commenced an action against
3 Defendants in the Superior Court of the State of Washington, in and for the County of King,
4 captioned *Robert Silcox v. AutoNation, Inc., a Florida corporation, and AutoNation Holding*
5 *Corp., a Washington corporation*, and designated as Case No. 17-2-19503-1 SEA. Pursuant to
6 LCR 101(b), a true and correct copy of the Complaint is attached to this filing as a separate
7 “attachment” in the ECF system and labeled as the “Complaint.” True and correct copies of all
8 process, pleadings, orders and other papers or exhibits on file with the state court, are attached
9 hereto and incorporated herein as “Exhibit A.”

10 **TIMELINESS**

11 Plaintiff served Defendant AutoNation Holding Corp. with the Summons and Complaint
12 on June 26, 2017. Pursuant to 28 U.S.C. § 1446(b), this Notice of Removal is being filed within
13 thirty (30) days after Defendant’s receipt of Plaintiff’s Complaint. This Notice of Removal is
14 timely as it is made within 30 days of receipt of a copy of the pleading, motion, order or other
15 paper from which it may first be ascertained that the case is one which is or has become
16 removable. 28 U.S.C. § 1446(b).

17 **NOTICE TO PLAINTIFF AND STATE COURT**

18 Defendants will provide written notice of the filing of this Notice of Removal to all
19 parties who have appeared in this action, and a copy of the Notice of Removal will be filed with
20 the Clerk of the Superior Court of the State of Washington in and for the County of King.
21 Pursuant to 28 U.S.C. §1446(a), true and complete copies of all process and pleadings in this
22 action filed to date in the state court proceeding are attached hereto as Exhibits. By signing this
23 Notice of Removal, counsel for Defendant verifies that the items attached hereto are true and
24 complete copies of all the records and proceedings in the Superior Court action. No motions are
25 pending.
26

1 WHEREFORE, Defendants respectfully request that the above-captioned matter, now
2 pending in the Superior Court of the State of Washington, in and for the County of King, Case
3 No. 17-2-19503-1 SEA, be removed to this Honorable Court for further proceedings.

4
5 July 26, 2017

6 *s/ Ryan P. Hammond*

Ryan P. Hammond, WSBA #38888
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8 *s/ Aurora J. Wilson*

Aurora J. Wilson, WSBA #45382
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14 Attorneys for Defendants
15 AUTONATION, INC. and AUTONATION
16 HOLDING CORP.
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CERTIFICATE OF SERVICE

I am a resident of the State of Washington, over the age of eighteen years, and not a party to the within action. My business address is One Union Square, 600 University Street, Ste. 3200, Seattle, WA 98101. I hereby certify that on July 26, 2017 I electronically filed the foregoing document(s) with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

Attorneys for Plaintiff

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Executed this 26th day of July 2017.

s/ Tiffany D. Holiday

Tiffany D. Holiday

tholiday@littler.com

LITTLER MENDELSON, P.C.

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